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## Election Judges and Clerks (con't)

### How many election judges and clerks are needed?

- Minimum = 3 people
  - 1 presiding judge
  - 1 alternate judge (serving as clerk)
  - 1 clerk

### Who appoints the workers?

- Generally, governing body appoints presiding judges.
- Presiding judge appoints at least two clerks for his/her polling place. (One of those clerks is the alternate judge.)



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# Election Judges and Clerks (con't)

## §§ 272.001, 272.009

- Bilingual Materials

- Federal law requires that all election-related materials are provided in both English and Spanish.
- Secretary of State will be responsible for translations for statewide ballot language and certain voter forms in any languages mandated by the U.S. Census directory on the state or county level.



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## Election Judges and Clerks (con't)

- Bilingual Clerks
  - State law requires the use of bilingual materials in voting precincts situated in a county where 5% or more of the inhabitants are of Spanish origin or descent per the 2000 federal census. *Example: Harris County, per federal law, provides election materials in English, Spanish, and Vietnamese.*
  - Any Texas Counties that must provide materials in additional languages should have received notice from the federal government during the summer of 2011.



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## Election Judges and Clerks (con't)

### What if I can't find a bilingual clerk?

- Ask local language teachers for assistance or to recommend bilingual student voters.
- Ask your current election workers for recommendations from people they know.
- Ask local civic leaders for assistance.
- Ask local minority groups and unions for assistance.

If you cannot find enough bilingual clerks, you must provide one bilingual worker at a central location to provide translation and assistance.



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# Election Judges and Clerks (con't)

## §§ 32.051, 32.0511

- Who can be an election judge?
  - Qualified voter of the election precinct, unless no eligible person can be found inside the precinct, in which case the judge or alternate maybe appointed from a different precinct within the political subdivision.
- Who can be an election clerk?
  - Qualified voter of the political subdivision
- Who can be a student election clerk?



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# Election Judges and Clerks (con't)

## §§ 32.052-32.056

### Who CANNOT be an election judge or clerk?

- Public officer.
- Employee or relative of opposed candidate on the ballot.
  - **NEW LAW (HB 2110):** Adds the party office of precinct chair, so that an employee or relative of an opposed candidate for a public office, the party office of county chair, or the party office of precinct chair may not serve as an election judge or clerk.
- Campaign treasurer or assistant treasurer of candidate in the election.
- Campaign manager of candidate in the election.
- Individual finally convicted of an election offense (deferred adjudication does not constitute a final felony conviction).



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## Election Judges and Clerks (con't)

Who CANNOT be an election judge or clerk?

- An uncontested candidate MAY serve as an election worker.
- A candidate for a contested office may not serve in an election held on the same day as that election in any precinct in which the office sought is to be voted on.

Note: An incumbent cannot serve since they are disqualified as an elected public officer.



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# Election Judges and Clerks (con't)

## §§ 32.071-32.075

- What does a judge do?
  - Manage polling place; must be present all day.
  - Administer any oaths required.
  - Complete and sign judge's portion of provisional voter affidavit.
  - Sign off on other necessary forms such as Statement of Compensation and Oaths.
  - Designate working hours and assign duties for clerks.
  - May appoint special peace officers (required to be licensed as peace officers by Texas Commission on Law Enforcement), as needed, to preserve order.
  - Has power of district court judge while serving at polling place, including power to issue arrest warrants.



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# Election Judges and Clerks (con't)

## § 32.072

- What does a clerk do?
  - Perform duties assigned by judge, such as
    - Help set up polling area
    - Qualify/Process Voters
    - Assist voters who are qualified for and request assistance in the polling place
    - Perform curbside voting
    - Count ballots/assist in precinct tabulation procedures in the polling place
  - Administer any oaths required



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## Hours **§§ 41.031, 41.032; Chapter 62**

- 7 a.m. to 7 p.m.
  - Early Voting Clerk
  - Voter Registrar
- The polling place should be completely set up by 7 a.m.
  - Set up the voter check in table
  - Post all requisite signage
- Remember: anyone in line at 7 p.m. can vote.



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# Who is allowed in the polling place?

- Voters (§ 63.001)
- Minors
  - With parent/guardian (§ 64.002)
  - Students voting in student election (§ 276.007)
- Election Workers
  - Judges and Clerks (§§ 32.071, 32.072)
  - Vendor representatives/repair technicians (§ 125.010)



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# Who is allowed in the polling place? (cont'd)

- Observers:
  - Pollwatchers (§ 33.052)
  - State Inspectors (§ 34.002)
  - Federal Inspectors (federal Voting Rights Act, 42 U.S.C.A. § 1973(f))
  - SOS and SOS staff (§ 34.004)
- County chair (**NEW LAW (HB 1996), § 172.1113**)
  - For the primary election ONLY
  - To perform “administrative functions related to the conduct of the election.”



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## Who is allowed in the polling place? (cont'd)

- Good Samaritans
  - Interpreter for voter (§ 61.032)
  - Person assisting voter (§ 64.032)
  - Person accompanying disabled voter (§ 64.009)
- Law Enforcement
  - IF summoned by presiding judge (§ 32.075)
  - IF appointed as special peace officer by presiding judge (§ 32.075)



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## Who is NOT allowed in the polling place?

- Candidates (§ 61.001(b))
  - Unless voting, assisting a voter, or conducting official business in the building
- Bystanders (§ 61.001(a))
  - People who are not in the polling place to vote or for one of the other permitted reasons



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# Assisting a Voter

## §§ 33.057, 64.031, 64.032

- Who is eligible for assistance?
  - Any voter who is physically unable to mark the ballot.
  - Any voter who cannot read the ballot due to visual or other impairment.



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## Assisting a Voter (con't)

- What types of assistance are allowed?
  - Reading the ballot to the voter.
  - Directing the voter to read the ballot.
  - Marking the voter's ballot.
  - Directing the voter to mark the ballot.



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## Assisting a Voter (con't)

- Who is eligible to assist a voter?
  - Any person that the voter chooses.
  - Except: the voter's employer, an agent of their employer, or an officer or agent of the voter's union.
  - This includes candidates!



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## Assisting a Voter (con't)

- Person can provide assistance regardless of:
  - The fact that they have assisted someone else.
  - Their residence.
  - Their citizenship.
  - Their voter registration status.
  - Their age.



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## Assisting a Voter (con't) §§ 33.057, 64.032(b)

- What if the voter doesn't choose the assistant?
  - Election workers may assist a voter.
  - Two workers must assist together. (One worker may assist during early voting.)



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## Assisting a Voter (con't)

- Who else can be there?
  - If the voter chooses their assistant, no one else may be present.
  - If election workers are assisting a voter, poll watchers may be present to observe.



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## Assisting a Voter (con't)

### §§ 64.032(d), 64.034, 64.035, 64.036

- What else does an assistant need to do?
  - Take the Oath of Assistance.
    - **NEW LAW (HB 2475):** The oath has been modified to include a statement that the assistant is not the voter's employer or an agent thereof or an officer or agent of a labor union to which the voter belongs.
    - Name and address must be entered next to voter's name on poll list.



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## Assisting a Voter (con't)

- Election official must ask voter if voter wants entire ballot read to him/her, and if so, must instruct assistant to do so.
- Must NOT mark ballot in any way other than how the voter indicates he/she wants the ballot marked. Offense is a Class A misdemeanor.



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# Election Officials Assisting Voters

## § 33.057, 34.002(b), 64.032, 64.033

- Two election officials may assist a voter. (One during early voting.)
- Entire ballot must be read to voter unless voter states that they only want to hear certain offices or measures.
- Election officials must also take Oath of Assistance, though only need to take oath once.



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## Election Officials Assisting Voters (con't)

- Election workers' names are not entered next to voter's name on poll list.
- Poll watcher and inspectors may observe assistance when provided by election officials.



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# Assisting a Voter – Curbside Voting

## § 64.009

- What is curbside voting?
  - If voter is unable to enter a polling place without assistance or likelihood of injury, he/she may be assisted “curbside.”



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## Assisting a Voter – Curbside Voting (con't)

- One election official may deliver a ballot to voter at the entrance to the polling place.
- If using a DRE system, the official will deliver the DRE unit to voter rather than a ballot.
- **NEW LAW (SB 910):** Curbside voting during early voting is to be conducted in the same manner as on election day.



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## Assisting a Voter – Curbside Voting (con't)

- Poll watchers and inspectors may observe curbside voting.
- Once voter has marked ballot, election official deposits ballot in ballot box.



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## Assisting a Voter – Curbside Voting (con't)

- At voter's request, person accompanying voter must be able to select voter's ballot and deposit in ballot box.
- If curbside voter also requires assistance with his/her ballot, may use assistant of his/her choice, or may be assisted by two election officials.



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# Interpreting for a Voter

## §§ 61.032, 61.033, 61.035

- An interpreter may also assist a voter
  - Interpreters must be registered voters of the political subdivision
  - Remember: Unless voter needs the interpreter to read the ballot because voter cannot read the language in which the ballot is printed OR unless voter is eligible for assistance, the interpreter's job ends when voter gets his/her ballot or media card.



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## Interpreting for a Voter (con't)

- Interpreter must take Oath of Interpreter. (Must also take Oath of Assistance, if also assisting voter who cannot read due to a visual impairment or otherwise is eligible for assistance.)



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# What is Electioneering?

## § 61.003

- Electioneering is advocating for or against a candidate, measure, party or issue within the protective legal boundary surrounding a polling place.
  - **NEW LAW (HB 259):** Amends Section 61.003 to provide that electioneering includes “the posting, use, or distribution of political signs or literature.”
- Electioneering is a crime; it is a Class C misdemeanor.



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## Electioneering (con't)

- The required 100 foot distance markers surrounding polling places mark the legal boundaries against electioneering.



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## Electioneering (con't)

- **NEW LAW (HB 259):** The entity that owns or controls a public building being used as an election day or early voting polling place may not, at any time during the voting period, prohibit electioneering on the building's premises outside of the 100-foot distance marker, but may enact reasonable regulations concerning the time, place, and manner of electioneering.
  - Example: electioneering may not be completely prohibited outside the 100-foot distance from the entrance to a school building being used as a polling place.



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## What is NOT electioneering?

- Voter Assistance Materials (§ 61.011)
  - Voters are permitted to bring written materials into the voting place to help them vote.
    - Election officials should periodically check the polling place and dispose of any such materials left behind.
- Exit polling, if not disruptive.



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## What is NOT electioneering? (con't)

- Name Tags Worn by Certain Officials (§§ 33.051, 61.010)
  - Election judges, clerks, state or federal inspectors, peace officers, and poll watchers must wear name tags or official badges while on duty to identify them.
    - **NEW LAW (SB 160):** Upon accepting a poll watcher for service, an election official will provide the poll watcher with an ID (prescribed by the SOS), which the poll watcher must wear while serving as a watcher.
    - No other person may wear a name tag or badge in the polling place. An offense is a Class C misdemeanor.



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## If electioneering is going on ...

- What if someone is electioneering? (§ 32.075)
  - Presiding judge has responsibility to ensure safe, confidential voting at polling place.
  - Presiding judge may ask a disruptive person to leave.
    - If a voter, they must be given the opportunity to vote before removal from polling place.
- What if they won't stop?
  - The presiding judge may summon a peace officer.



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# Electioneering: Tips to Remember

## §§ 32.075(e), 61.003, 61.004

- Electioneering is permitted outside the 100 foot distance markers
  - Unless person is using a prohibited sound amplification device, such as a megaphone or speaker system, within 1,000 feet of polling place.
  - Unless reasonably restricted on the premises of a public building under **NEW LAW (HB 259)**.
- Presiding judge may not enforce outside of distance markers.



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## Miscellaneous Polling Place Procedures

- Wireless communications devices or mechanical or electronic devices to record sound or images may not be used within 100-feet of voting stations. Such devices include cell phones, digital phones, cameras, phone cameras, and sound recorders. Presiding election judge has authority to require persons to deactivate any such devices and to require persons who do not comply to leave the polling place. (§§ 61.014, 62.0111)



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## Miscellaneous Polling Place Procedures (con't)

- **Exception:** Election officer conducting officer's official duties;
- **Exception:** Use of election equipment necessary for the conduct of the election.
- **Exception:** Persons employed at the polling location while acting in course of person's employment.
- Poll watcher may not be accepted for service if poll watcher has possession of a device capable of recording images or sound unless poll watcher agrees to disable or deactivate the device. (§ 33.051)
- Media is also prohibited! (§ 61.001)



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Thanks for your attention!

Please let us know if you have  
questions.

